

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
)
v.) Criminal No. 06-10286-JLT
)
)
ALFREDO SALINAS, et al.,)
Defendants)

PRELIMINARY ORDER OF FORFEITURE

TAURO, D.J.

WHEREAS, on September 19, 2006, a federal grand jury sitting in the District of Massachusetts returned a four-count Indictment charging Alfredo Salinas, and others, with Conspiracy to Distribute a Controlled Substance, in violation of 21 U.S.C. § 846 (Count One); Possession with Intent to Distribute and Distribution of Cocaine, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Counts Two, Three, and Four);

WHEREAS, the Indictment also contained a Forfeiture Allegation pursuant to 21 U.S.C. § 853, which gave the defendants notice that the United States sought forfeiture, pursuant to 21 U.S.C. § 853, of any property constituting, or derived from, any proceeds obtained directly or indirectly from the offense charged in the Indictment and/or any property used and/or intended to be used to commit, or to facilitate the commission of, the offense charged in the Indictment;

WHEREAS, on January 24, 2007, the United States filed a Bill of Particulars, notifying the defendants that the government sought forfeiture of the following specific properties pursuant

to the Forfeiture Allegation of the Indictment:

- a. one 1999 Kenworth Tractor, bearing Vehicle Identification Number 1XKAD69X5XR820760; and
- b. one 1995 Refrigerated Trailer Unit, bearing Vehicle Identification Number 1DYVS2480SM574008,

(collectively, the "Property");

WHEREAS, on October 2, 2007, at a hearing pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the Defendant pleaded guilty to Counts One and Four of the Indictment; and

WHEREAS, as a result of the Defendant's guilty plea, and pursuant to 21 U.S.C. § 853(a) and Rule 32.2 of the Federal Rules of Criminal Procedure, the United States is now entitled to a Preliminary Order of Forfeiture against the Property, or substitute assets, in a value up to the value of the Property.

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The Court finds, pursuant to Rule 32.2(b)(1) of the Federal Rules of Criminal Procedure, and based upon the Defendant's guilty plea, that the government has established the requisite nexus between the Property and the offenses to which the Defendant pleaded guilty. Accordingly, all of the Defendant's interests in the Property are hereby forfeited to the United States of America for disposition pursuant to 21 U.S.C. § 853(a) and (p).

2. If the Property, as a result of any act or omission by

the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of the Property, pursuant to 21 U.S.C. § 853(p).

3. The United States Marshals Service ("USMS") shall seize and hold the Property in its secure custody and control.

4. Upon the issuance of this Preliminary Order of Forfeiture and pursuant to 21 U.S.C. § 853, the USMS will publish at least once for three successive weeks in a newspaper of general circulation notice of this Preliminary Order, notice of the United States' intent to dispose of the Property in such manner as the Attorney General or his designee may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in the Property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Property, shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the

petitioner's right, title or interest in the forfeited Property and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the Property that is the subject of the Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture will become final as to the Defendant at the time of his sentencing, will be part of the Defendant's criminal sentence, and will be included in the criminal judgment entered by this Court against him.

Dated: _____

3/3/08


JOSEPH L. TAURO

United States District Judge